

Serial No. 10/084,821
Amdt. Dated October 31, 2003
Reply to Office action of August 4, 2003

REMARKS/ARGUMENTS

The objection to Claim 14 has been corrected by changing the word [size] to sized.

Claim 2 is amended in line 3 by insertion of the word “the” before the word “side” as suggested by the examiner.

The 35 USC 112 objections to Claims 1 - 20 are believed to have been overcome by meeting the specific objections raised. In this regard Claim 13, line 9 has been corrected and made more explanatory by substitution of the word each for the term [back].

The objections to Claims 1 and 8, specifically the use of the words “or the like” has been overcome by deletion of the terminology objected to.

The objection to Claim 7 as not having a sufficient antecedent for “the resin back” in line 1 has been corrected by amendment of Claim 6 to set forth that the back of the basket is made of resin material.

The objections of Claims 1 and 4 - 6 under 35 USC 102(b) as fully anticipated by Badger (US Patent 4,632,411) is submitted to be incorrect since the Badger reference nowhere suggests the use of a U-shaped metal channel as a structural element of the cart assembly. Instead Badger discloses tubular members which function quite differently from the U-shaped structural members of applicant’s invention. To define this feature of applicant’s invention more clearly Claim 1 has been amended by insertion of the term in cross section in referring to the U-shaped metal channel member. Still more, Applicant’s metal channel member is defined as extending in bridging relation across the width of the

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carriage. In so amending Claim 1 it is believed that the claim is clearly allowable over the Badger reference which fails to disclose use of channel members having a U-shaped cross section. Similarly the clarification of the term U-shaped channel member in Claim 1 carries over into Claims 4 - 6 which are dependent thereon.

The rejection of Claim 7 - 9 under 35 USC 103(a) as unpatentable over Badger is submitted to be in error since in applicant's arrangement the resin back of the basket is supported directly from the handle of the cart, iIn addition to having the seat mounted thereon made of resin instead of metal as disclosed by Badger.

Relative to Claim 8 it is pointed out that applicant's construction differs from Badger in that it includes a bumper block at the front of the basket to which the side channel members at their front end are secured. In addition Claim 8 sets out separate upwardly extending reinforcing channel members on each side connected to one of the side channels and extending into engagement with the interior of a side of the basket. Still further each of the side members extends below the channel members to which it is connected and has a wheel mounted at the lower end thereof. Applicant's construction is distinguished from Badger not only in the fact that the prior art discloses two parts instead of one as used by applicant, but in addition the additional feature of applicant's invention of reinforcing the sides of the basket and at the same time providing a member which besides reinforcing also provides a wheel for the cart is not disclosed in the art. Accordingly it is believed that Claim 8 is clearly allowable over the Badger reference.

As to Claim 9 Badger does not disclose side reinforcing channel members which provide support for a cross brace member extending between the two side members located in a position to

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support the rear edge of the bottom of the basket. Accordingly it is believed that Claim 9 is also clearly allowable over the grounds for rejection cited.

The allowability of Claims 2 -3 and 14 -20 if rewritten to overcome the rejections under 35 USC 112 is submitted to be met by their being rewritten to overcome the objections raised.

In view of the amendment of Claims 1 and 4 - 13 to overcome objections raised, as well as the lack of disclosure in the reference Badger, it is submitted that all of the claims of the application are in form for allowance and such action of allowance is therefore respectfully requested.

Respectfully submitted,

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Attachments



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Annotated Sheet Showing Changes

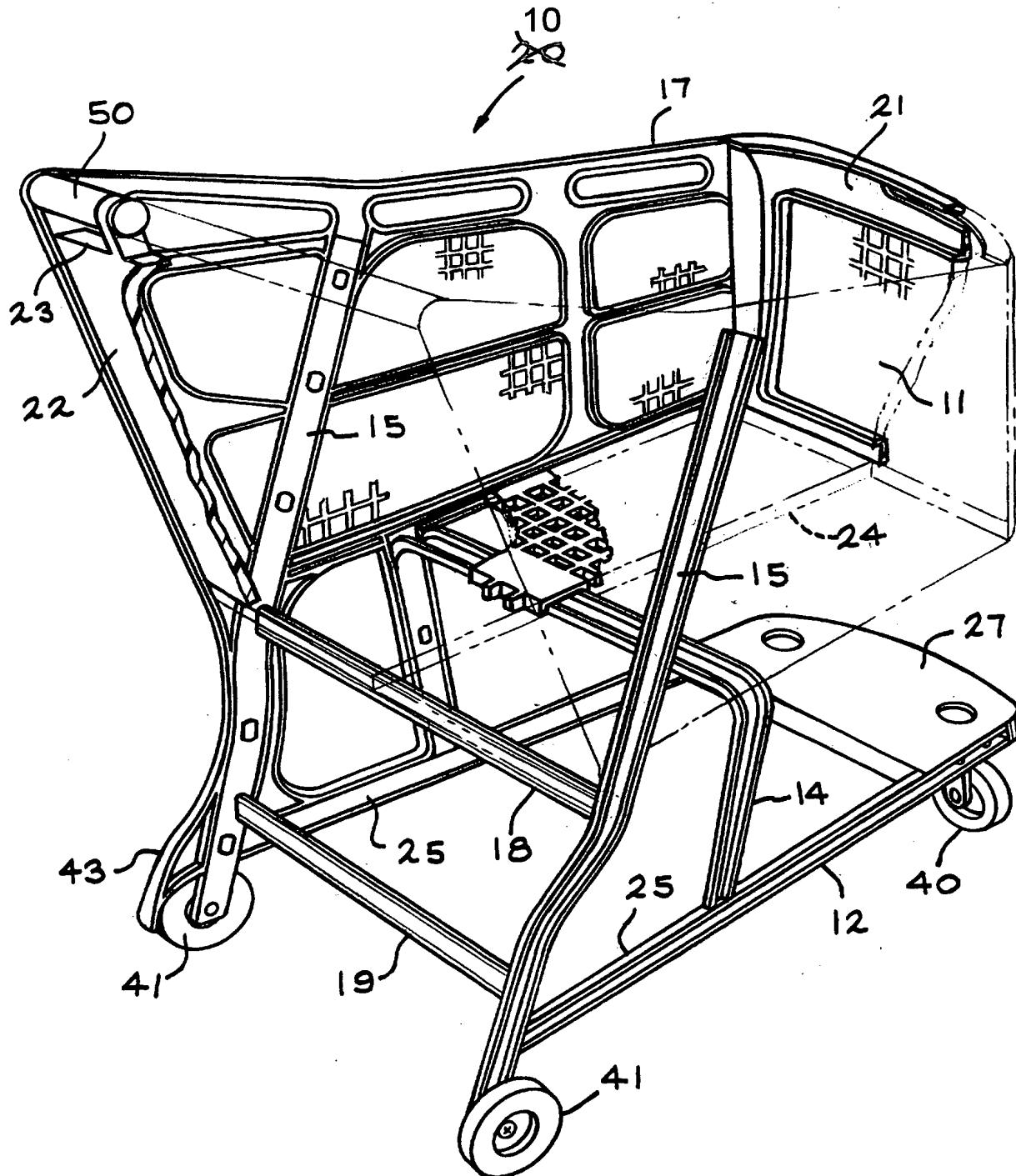


FIG. 1



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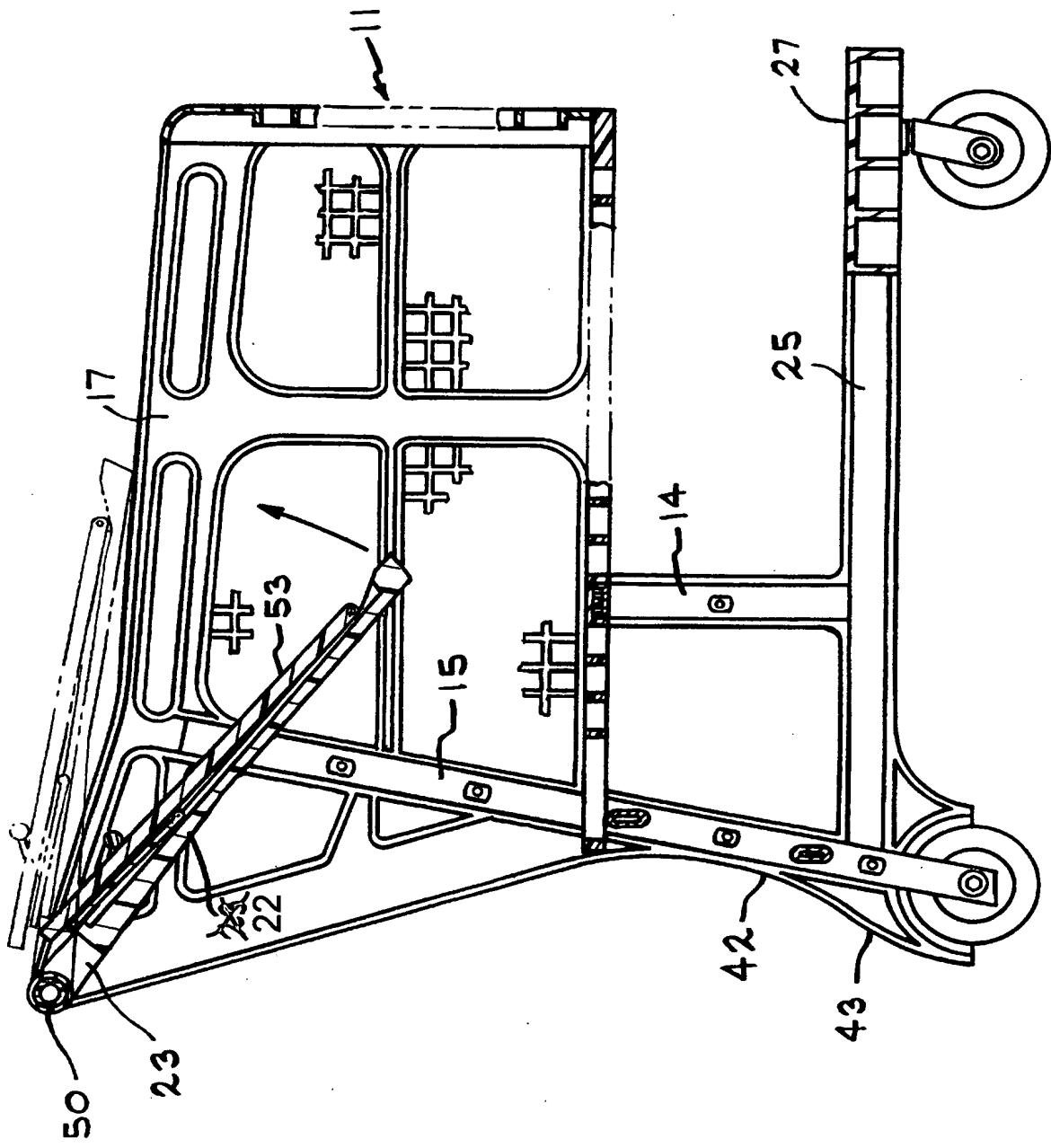


FIG. 6



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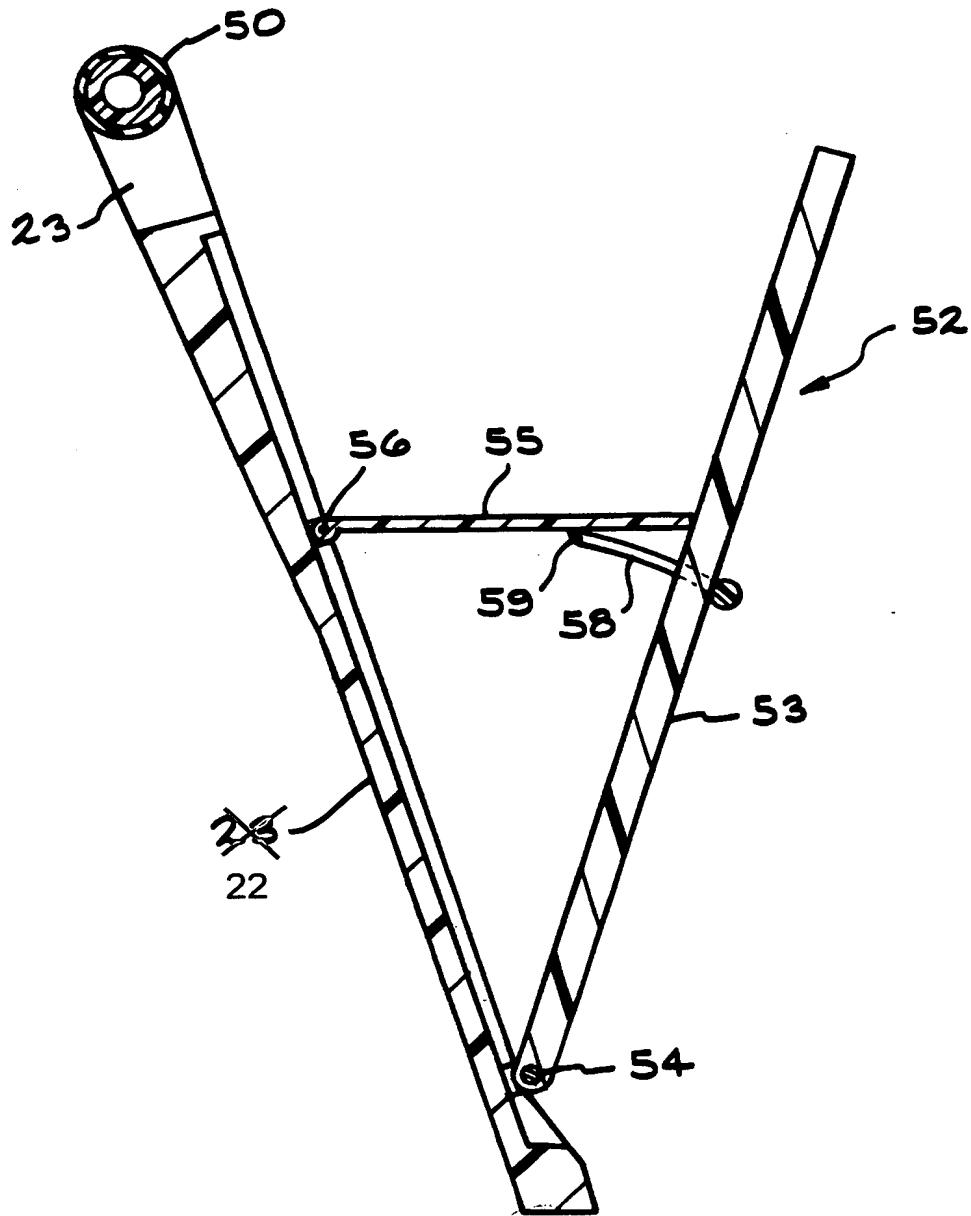


FIG. 7